



Rep. Robyn Gabel

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LRB097 08003 RLC 54703 a

1 AMENDMENT TO HOUSE BILL 1958

2 AMENDMENT NO. _____. Amend House Bill 1958, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Counties Code is amended by changing
6 Section 3-15003.6 as follows:

7 (55 ILCS 5/3-15003.6)

8 Sec. 3-15003.6. Pregnant female prisoners.

9 (a) Definitions. For the purpose of this Section:

10 (1) "Restraints" means any physical restraint or
11 mechanical device used to control the movement of a
12 prisoner's body or limbs, or both, including, but not
13 limited to, flex cuffs, soft restraints, hard metal
14 handcuffs, a black box, Chubb cuffs, leg irons, belly
15 chains, a security (tether) chain, or a convex shield, or
16 shackles of any kind.

1 (2) "Labor" means the period of time before a birth and
2 shall include any medical condition in which a woman is
3 sent or brought to the hospital for the purpose of
4 delivering her baby. These situations include: induction
5 of labor, prodromal labor, pre-term labor, prelabor
6 rupture of membranes, the 3 stages of active labor, uterine
7 hemorrhage during the third trimester of pregnancy, and
8 caesarian delivery including pre-operative preparation.

9 (3) "Post-partum" means, as determined by her
10 physician, the period immediately following delivery,
11 including the entire period a woman is in the hospital or
12 infirmary after birth.

13 (4) "Correctional institution" means any entity under
14 the authority of a county law enforcement division of a
15 county of more than 1,000,000 inhabitants that has the
16 power to detain or restrain, or both, a person under the
17 laws of the State.

18 (5) "Corrections official" means the official that is
19 responsible for oversight of a correctional institution,
20 or his or her designee.

21 (6) "Prisoner" means any person incarcerated or
22 detained in any facility who is accused of, convicted of,
23 sentenced for, or adjudicated delinquent for, violations
24 of criminal law or the terms and conditions of parole,
25 probation, pretrial release, or diversionary program, and
26 any person detained under the immigration laws of the

1 United States at any correctional facility.

2 (7) "Extraordinary circumstance" means an
3 extraordinary medical or security circumstance, including
4 a substantial flight risk, that dictates restraints be used
5 to ensure the safety and security of the prisoner, the
6 staff of the correctional institution or medical facility,
7 other prisoners, or the public.

8 (b) A county department of corrections shall not apply
9 security restraints to a prisoner that has been determined by a
10 qualified medical professional to be pregnant and is known by
11 the county department of corrections to be pregnant or in
12 postpartum recovery, which is the entire period a woman is in
13 the medical facility after birth, unless the corrections
14 official makes an individualized determination that the
15 prisoner presents a substantial flight risk or some other
16 extraordinary circumstance that dictates security restraints
17 be used to ensure the safety and security of the prisoner, her
18 child or unborn child, the staff of the county department of
19 corrections or medical facility, other prisoners, or the
20 public. The protections set out in clauses (b)(3) and (b)(4) of
21 this Section shall apply to security restraints used pursuant
22 to this subsection. The corrections official shall immediately
23 remove all restraints upon the written or oral request of
24 medical personnel. Oral requests made by medical personnel
25 shall be verified in writing as promptly as reasonably
26 possible.

1 (1) Qualified authorized health staff shall have the
2 authority to order therapeutic restraints for a pregnant or
3 postpartum prisoner who is a danger to herself, her child,
4 unborn child, or other persons due to a psychiatric or
5 medical disorder. Therapeutic restraints may only be
6 initiated, monitored and discontinued by qualified and
7 authorized health staff and used to safely limit a
8 prisoner's mobility for psychiatric or medical reasons. No
9 order for therapeutic restraints shall be written unless
10 medical or mental health personnel, after personally
11 observing and examining the prisoner, are clinically
12 satisfied that the use of therapeutic restraints is
13 justified and permitted in accordance with hospital
14 policies and applicable State law. Metal handcuffs or
15 shackles are not considered therapeutic restraints.

16 (2) Whenever therapeutic restraints are used by
17 medical personnel, Section 2-108 of the Mental Health and
18 Developmental Disabilities Code shall apply.

19 (3) Leg irons, shackles or waist shackles shall not be
20 used on any pregnant or postpartum prisoner regardless of
21 security classification. Except for therapeutic restraints
22 under clause (b)(2), no restraints of any kind may be
23 applied to prisoners during labor.

24 (4) When a pregnant or postpartum prisoner must be
25 restrained, restraints used shall be the least restrictive
26 restraints possible to ensure the safety and security of

1 the prisoner, her child, unborn child, the staff of the
2 county department of corrections or medical facility,
3 other prisoners, or the public, and in no case shall
4 include leg irons, shackles or waist shackles.

5 (5) Upon the pregnant prisoner's entry into a hospital
6 room, and completion of initial room inspection, a
7 corrections official shall be posted immediately outside
8 the hospital room, unless requested to be in the room by
9 medical personnel attending to the prisoner's medical
10 needs.

11 (6) The county department of corrections shall provide
12 adequate corrections personnel to monitor the pregnant
13 prisoner during her transport to and from the hospital and
14 during her stay at the hospital.

15 (7) Where the county department of corrections
16 requires prisoner safety assessments, a corrections
17 official may enter the hospital room to conduct periodic
18 prisoner safety assessments, except during a medical
19 examination or the delivery process.

20 (8) Upon discharge from a medical facility, postpartum
21 prisoners shall be restrained only with handcuffs in front
22 of the body during transport to the county department of
23 corrections. A corrections official shall immediately
24 remove all security restraints upon written or oral request
25 by medical personnel. Oral requests made by medical
26 personnel shall be verified in writing as promptly as

1 reasonably possible.

2 (c) Enforcement. No later than 30 days before the end of
3 each fiscal year, the county sheriff or corrections official of
4 the correctional institution where a pregnant prisoner has been
5 restrained during that previous fiscal year, shall submit a
6 written report to the Illinois General Assembly and the Office
7 of the Governor that includes an account of every instance of
8 prisoner restraint pursuant to this Section. The written report
9 shall state the date, time, location and rationale for each
10 instance in which restraints are used. The written report shall
11 not contain any individually identifying information of any
12 prisoner. Such reports shall be made available for public
13 inspection.

14 ~~Notwithstanding any other statute, directive, or~~
15 ~~administrative regulation, when a pregnant female prisoner is~~
16 ~~brought to a hospital from a County Department of Corrections~~
17 ~~facility for the purpose of delivering her baby, no handcuffs,~~
18 ~~shackles, or restraints of any kind may be used during her~~
19 ~~transport to a medical facility for the purpose of delivering~~
20 ~~her baby. Under no circumstances may leg irons or shackles or~~
21 ~~waist shackles be used on any pregnant female prisoner who is~~
22 ~~in labor. Upon the pregnant female prisoner's entry to the~~
23 ~~hospital delivery room, a county correctional officer must be~~
24 ~~posted immediately outside the delivery room. The Sheriff must~~
25 ~~provide for adequate personnel to monitor the pregnant female~~
26 ~~prisoner during her transport to and from the hospital and~~

1 ~~during her stay at the hospital.~~

2 (Source: P.A. 91-253, eff. 1-1-00.)".